6000645/2022/SEC-IV-EFS01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Andhra Pradesh Forest Department – Illegal mining of Laterite in Compt. No.632 of Thotapalli Reserve Forest, Yeleswaram Range in East Godavari District – Irregularities noticed – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 against **Sri B. Balabbai, Forest Beat Officer,** Masanitippa Beat of Kakinada Range formerly worked as Assistant Beat Officer, Kothuru Beat of Yeleswaram Range, Kakinada Division of Rajahmundry Circle - Article of charges – Issued - Regarding.

ENVIRNOMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.Rt. No.49 **Dated:09.06.2022**

Read the following:

1) From the Director General, Vigilance & Enforcement Department, Vigilance Report No.06 (C.No.1563/V&E/NR.1/2015), dated 21.01.2018.
2) Memo.No.887/Sec.IV/A1/2018-4, EFS & T (Sec.IV) Dept., dated 01.01.2019.

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ORDER:

It is proposed to hold an enquiry against Sri B. Balabbai, Forest Beat Officer, Masanitippa Beat, Kakinada Range, Kakinada Division of Rajahmundry Circle formerly Asst. Beat Officer, Kothuru Beat of Yeleswaram Range of Kakinada Division in accordance with the procedure laid down in Rule – 20 of A.P.C.S. (CC &A), Rules, 1991.

2. The substance of imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Article of Charges (Annexure-II). A list of documents by which, and a list of witnesses by whom, the article charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri B. Balabbai, Forest Beat Officer is informed that he is directed to submit a written statement of his defense within (10) days from the date of receipt of this order.

4. Sri B. Balabbai, Forest Beat Officer, is informed that the enquiry will be held only in respect of those Articles of charges as are not admitted. He should, therefore, specifically admit or deny each Article of charge.

5. Sri B. Balabbai, Forest Beat Officer, is further informed that if he does not submit his written statement of defense within the time specified in Para 3 above, further action will be taken based on the material available.

6. Attention of Sri B. Balabbai, Forest Beat Officer, is invited to Rule 24 of the A.P.C.S. (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt

[P.T.O]

within these proceedings, it will be presumed that Sri B. Balabbai, Forest Beat Officer is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule- 24 of the A.P.C.S (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B. Balabbai, Forest Beat Officer, Masanitippa Beat of Kakinada Range, formerly worked as Assistant Beat Officer, Kothuru Beat, Yeleswaram Range Kakinada Division (induplicate) (through the Principal Chief Conservator of Forests & HoFF, Andhra Pradesh, Guntur)

Copy to:

The Principal Chief Conservator of Forests & HoFF, Andhra Pradesh, Guntur. (He is requested to serve the order on the individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to Government for record)
SF/SC (Computer No.1012303)

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B. BALABBAI, FOREST BEAT OFFICER, MASANITIPPA BEAT, KAKINADA RANGE, KAKINADA DIVISION, RAJAHMUNDRY CIRCLE, FORMERLY WORKED AS ASST. BEAT OFFICER, KOTHURU BEAT OF YELESWARAM RANGE, KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE.

That the said Sri B. Balabbai, Forest Beat Officer, Masanitippa Beat, Kakinada Range, Kakinada Division formerly worked as Asst. Beat Officer, Kothuru Beat of Yeleswaram Range, Kakinada Division from 01.10.2002 to 9.7.2005, had committed the grave misconduct and irregularities as mentioned in the following Article of Charge.

ARTICLE: "That he had failed to inform his superiors on the mining activities in compartment no.632 of Thotapalli Reserve Forest and intentionally allowed excavation of Literate in the Reserved Forest accordingly he had failed to discharge his legitimate duties as per para 158 of AP Forest Department Code volume 1. He had violated the AP Forest Act, 1967 and Forest Conservation Act, 1980 and allowed damage to Reserve Forests and he failed to obey the Circular instructions No.13 / 95 of PCCF AP Hyderabad "

Thus, Sri B. Balabbai, Forest Beat Officer, Masanitippa Beat, Kakinada Range, Kakinada Division formerly Asst. Beat Officer, Kothuru Beat of Yeleswaram Range of Kakinada Division by his above mentioned acts has exhibited lack of integrity, discipline and devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 (1) of the A.P.C.S. (Conduct) Rules, 1964. **Hence the charge.**

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATIONS AND MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B. BALABBAI, FOREST BEAT OFFICER, MASANITIPPA BEAT OF KAKINADA RANGE FORMERLY WORKED AS ASST. BEAT OFFICER, KOTHURU BEAT OF YELESWARAM RANGE, KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE FOR THE PERIOD FROM 01.10.2002 TO 9.7.2005.

ARTICLE: "That he had failed to inform his superiors on the mining activities in compartment no. 632 of Thotapalli Reserve Forest and intentionally allowed excavation of Literate in the Reserve Forest, accordingly he had failed to discharge his legitimate duties as per para 158 of AP Forest Department Code volume 1. He had violated the AP Forest Act, 1967 and Forest Conservation Act, 1980 and allowed damage to Reserve Forests and he failed to obey the Circular instructions No.13 / 95 of PCCF AP Hyderabad"

Basis of the Charge:

On a allegation / complaint against "M/s. Parameswari Minerals floated by Sri P. Ramakrishna in the name of his benami Sri P. Hari Krishna have taken a Mining lease at Chintaluru (V) over an extent of 17.00 acres, but the firm has excavated Laterite in Reserve Forest over an extent of 57.00 acres in Gajjanapudi Village, Yeleswaram Range of Prathipadu (M) by tampering the Village maps and Chintaluru and Gajjanapudi Villages in collusion with the Departmental Officials, and excavated the Laterite illegally around 37,00,000 Mt thereby causing loss of around of 150.00 Crores to the State exchequer", the Vigilance & Enforcement Department officials of Rajamahendravaram unit have took up the enquiry and verified along with the Officials of the Survey and Land Records, Revenue, Mines & Geology and Forest Department and inspected mining lease area of M/s. Parameswari Minerals in Sy. No. 262/1 of Gajjanapudi (V), Prathipadu (M) and conducted the joint survey with the help of filed measurement books (FMBs), Village Revenue maps of Chintaluru, K. Kothapalli and Gajjanapudi by using ETS machine, Autocad, Bhumithi and Lat Long convertor software's for a period of (11) days in between 18-11-2015 to 05-12-2015.

The Vigilance & Enforcement Department has pointed out the certain irregularities in negligence of duty, inaction to prevent illegal mining activities in Compartment No. 632 of Thotapalli Reserve Forest and intentionally allowed M/s. Parameswari Minerals to excavate Laterite in the Reserve Forest and recommended to the Government for initiation of disciplinary action against the Forest officials / staff concerned and submitted a report to the Government in Vigilance Report No. 06 (C.No.1563/V&E/NR.1/2015, dated 21-01-2018. On the irregularities pointed out by the Vigilance and Enforcement Department, the Government vide memo No.887/Sec.IV/A1/2018-5 EFS&T (SEC. IV) dept, dated 01-01-2019 have decided to initiate common disciplinary action against the concerned Asst. Beat officers, Forest Beat officers, Forest Section Officers, Forest Range officers and Sub- Divisional Forest Officers of Kakinada division who have been responsible for the said irregularities and issued orders accordingly.

The V&E enquiry report revealed that on 25-03-1994 M/s. Parameswari Minerals had applied for grant of mining leave for Laterite over an extent of 50.00 acres in Sy. No. 262/1 of Gajjanapudi Village of Prathipadu Mandal for a period of 20 years. After thorough inspections and

Survey of land by both the Revenue, Mines & Geology Department, the Government vide G.O. Ms. No. 119, dt. 16-05-1997 has granted mining lease over an extent of 17.59 acres for a period of (20) years in favour of M/s. Parameswari Minerals in Sy. No. 262/1 of Gajjanapudi Village, Prathipadu Mandal, E.G.Dist.

It is also observed that in the V&E report that on a compliant petition filed by Sri T. Trinadha Reddy and others alleging that the existing mining lease holder M/s. Parameswari Minerals had carried out illegal mining operations in Sy. No. 262/1 of Gajjanapudi (V) in the area applied by them, certain inspections and surveys were taken by both the Revenue and Mines & Geogoly Departments and noticed that it was necessary to rectify the discrepancies pointed out in the plotted sketches prepared by both the Revenue and Mines & Geology Departments and issue revised orders. The further inspection team along with registered person of Indian Bureau of Mines has surveyed the area and reported that the actual plotting has been done and rectified the mistake and shown that the area granted to M/s. Parameswari Minerals and the area presently where they are working are one and the same. Accordingly, modified orders were issued vide G.O. Ms. No. 93 Industries & Commerce (M.III) dept, dt. 27-03-1998 and ordered that where the works "Gujjanapudi" Village are occurring in the G.O. Ms. No. 119, dt. 16-05-1997, the words falling in "North-West of Chintaluru Village" shall be inserted. Subsequently on a further compliant petition against the above firm, the Director of Mines & Geology, AP has deputed special surveyor. The special team conducted inspection from 18-01-2002 to 02-02-2003 and submitted report. As per the field observations, the area occupied with boundary Pillars by the M/s. parameswari Minerals is totally different from location shown in the revised sketch vide G.O. Ms. No. 93, dt. 23-03-1998 which is executed on 01-04-1998. The total excavations of Laterite by the lease holder is deviated to the location shown in executed map and falling in Sy. No. 01 of Chintaluru Village in North side adjacent to Gajjanapudi Village boundary as shown in the combined map. Further, the Asst. Director of Mines & Geology, Rajahmundry has considered (3) mining lease applications from 2008 to 2012 in Sy. No. 262/1 of Gajjanapudi Village and when inspection of the land by the survey team on 25-09-2014 observed that no excavation was carried out in the mining lease area held by M/s. Parameswari Minerals in the demarcated area and that mining operations were conducted in Thotapalli Reserve Forest adjacent to Gajjapudi North side boundary.

In this regard, the team of surveyors has fixed the boundaries of the mining lease area with the help of boundary line of Thotapalli RF basing on the rectified sketches as per G.O. Ms. No. 93, Industries and Commerce (M.III) dept, dt. 27-03-1998 and the following observations are made:

a. M/s. Parameswari Minerals had not taken up the mining operations for Laterite in Sy. No. 262/1 of Gajjanapudi Village, Prathipadu (M) as per rectified sketches approved vide G.O. Ms. No. 93 Industries and Commerce (M.III) dept, dt. 27-03-1998. Instead of that, M/s. Parameswari Minerals had conducted mining operations for Laterite in the North side of the granted mining lease area which falls in Sy. No.1 of Chintaluru Village of Prathipadu Mandal which is found to be part of Compartment No. 632 of Thotapalli Reserve Forest.

b. There are (6) nos. of RCC boundary pillars erected around the Forest boundary line in Compt. No. 632 of Thotapalli RF by Forest Officials of Yeleswaram Range vide RSO. No. 25/2013-14 during the period from 23-02-2014 to 28-02-2014. Out of which the erected pillars, the Pillar Nos 19 and 20 are passing through the excavated area of M/s. Parameswari Minerals. But the Forest officials, who executed the

above boundary pillars, did not report about the notice of excavated pits for Laterite in Comp. No. 632 of Thotapalli RF.

c. As per findings of the joint survey, the total excavations were carried out by M/s. Parameswari Minerals over an extent of 18.55 acres and excavated 9,94,885.5 Mt of Laterite other than the lease area including area of compt. No. 632 of Thotapalli RF.

d. Thus, the lease holder is liable to pay double the market value for illegal excavation / transportation of Laterite other than the leased area under Rule 26 (2) of the A.P. Minor Minerals concession Rules, 1966 vide G.O. Ms. No. 37, Industries and Commerce Dept, dt. 14-05-2016.

e. The market value of Rs. 300/- is considered for cement grade Laterite based on the monthly returns submitted by M/s. Mahaswari Minerals which is a sister concern firm of M/s. Parameswari Minerals having lease area in the vicinity as furnished by the Asst. Director, Mines & Geology, Rajamahendravaram in his letter No. 2763/M/1997, dt. 21-05-2016. The details are as tabulated hereunder.

Quantity excavated illegally in cum	Market value in Rs.	Penalty as per Rule 26 (2) of APMMC Rules- 1966 (amended vide G.O. Ms. No. 37, dt. 14-5-2016.		Total amount to be paid in Rs.
		Double the market value per cum of Laterite in Rs.	Fine in Rs.	
9,94,885.5	300	(2x300) =600	5,00,000	59,74,31,300/-

a. It is pertinent to note that the identified excavated area in the present survey conducted by the Vigilance and Enforcement Department is almost the same which was identified by the check-survey team during 2003 (from 18-01-2002 to 02-02-2003) under the supervision of Sri U. Ramanamuthy, AMO, O/o. Director, Mines and Geology Department.

b. The Forest Department Officials who attended the joint survey conducted by the Revenue, Mines & Geology and Forest Department with effect from 18-11-2015 to 05-12-2015 have observed that the excavated pits extended into Thotapalli R.F. area beyond the Cairns erected by the Forest Department. But, the Forest Department Officials had refused to sign to signed the map prepared incorporating the survey results which were compiled with their participation and presence. The Forest Department officials have not even accepted their own Forest cairns erected during 2014 as Forest boundary. Instead of this, the Forest Department has filed a case against Sri P. Ramakrishna, Managing partner, M/s. Parameswari Minerals in Prathipadu Police Station on the allegation of illegal mining in the Thotapalli R.F.

c. The further enquiry and verification of records revealed that the total area of Thotapalli R.F. is 694.63 hectares comprising (3) compartments 631, 632 and 633. An area of 346.53 ha. in Comp. No. 631 was allotted to Rajavaram VSS in the year 1996 and the area of 140.08 ha. in Comp. No. 633 was allotted to Thotapalli VSS in 1998.

But the area of 208.02 ha. in Comp. No. 632 is not allotted to any VSS by the Forest Department.

d. The Forest Range officer, Yeleswaram has lodged a complaint with the Station House officer, Prathipadu Police Station against Sri P. Ramakrishna, Managing Partner of M/s. Parameswari Minerals for damage, theft of Government property, altering the Forest boundaries and causing huge loss to the Government property in a fraudulent manner with Criminal intention under relevant sections of IPC and Cr. PC. It was alleged that illegal mining operations were conducted in the Comp. No. 632 of Thotapalli RF by M/s Parameswari Minerals represented by Sri P. Ramakrishna and 6,00,000 Mt of Laterite was excavated and transported by the lease holder between 1997 to 2005 in violation of the A.P. Forest Act, 1967 and A.P. Forest conservation Act, 1980. The SHO, Prathipadu has registered a Crime case vide FIR. No. 3/2016 on 05-01-2016 u/s. 447, 379 and 420 IPC and it is under investigation.

e. The alleged accused in the above Crime Sri P. Ramakrishna, Mg. Partner of M/s. Parameswari Minerals approached the Hon'ble High Court and filed W.P. No. 1102 of 2016. The Hon'ble High Court has issued orders on 12-01-2016 that ***"the investigation in Crime No. 3 of Prathipadu Police Station, East Godavari shall continue. However, the petitioner shall not be arrested in the meanwhile"***. The case is still pending for adjudication.

Hence, in view of the findings of the V&E Department that the allegation that "M/s. Parameswari Minerals excavated Laterite in other than the leased area is substantiated against the charged officer herein.

Duly summing above and as per detailed report of findings of the V&E, the following irregularities are forthcoming in the entire episode of the case:-

1) Mining lease was granted over an extent of 17.50 acres in Sy. No. 262/1 of Gajjanapudi Village in favour of M/s. Parameswari Minerals vide G.O. Ms. No. 119, dt. 16-09-1997. The same was executed by the Assistant Director of Mines & Geology, Rajamahendravaram who issued work order with sketch vide Proceedings No. 2163/M/1997, dt. 24-05-1997.

2) Subsequently the executed sketch was rectified due to wrong plotting by the then Surveyors of Mines & Geology and Revenue Department vide G.O. Ms. No. 93, dt. 27-03-1998.

3) The modified sketch was tailor-made by Mines & Geology Department to facilitate the lessee for conducting mining operations in that area. This is evident from the following observations.

a. As per original sketch, no abundant Laterite was available in the area in question in pursuance of G.O. Ms. No. 119 of Industries and Commerce Department as the area spreads in the Valley.,

b. The modified area in pursuance of rectification vide G.O. Ms. No. 91 Industries and Commerce Department is also in the same shape with horizontal orientation having the same area of 17.59 acres which is exactly as per the sketch enclosed to G.O. ms. No. 119, dt. 16-05-1997.

c. But the mining operations were neither taking place at the executed sketch nor at the rectified sketch.

d. The Revenue Officials have given NOC to the original executed sketch only. No further NOC was issued by the Revenue Officials for the rectified sketch.

e. Issuing "accidental slip" is also irregular.

4) The mining operations were not being conducted at both the places i.e. Initial executed or at the rectified sketch areas whereas the mining operations were actually done in Sy. No. 01 of Chintaluru (V) and Thotapalli Reserve Forest. But none of the Officials of Mines & Geology and Revenue Departments, who had inspected the mining lease area with regard to various complaints and surveys, reported to their higher authorities.

5) During the period of inspection from 18-01-2003 to 02-02-2003, the survey team had conducted check survey based on a petition and reported that "the area occupied by M/s. Parameswari Mineral is totally different from location shown in the revised sketch vide G.O.Ms.No.93, dt.27.03.1998 which is enclosed to the leased deed executed on 01.04.1998. Further, the total excavation of Laterite Mineral by lease holder is deviated to the location shown in executed map and falling in Sy.No.01 of Chintaluru Village in northern side adjacent of Gajjanapudi Village boundary".

Further they have submitted their survey report to all the concerned. Despite noticing the illegal mining operations by M/s. Parameswari Minerals, yet the concerned mining authorities allowed M/s. Parameswari Minerals to continue the mining operations till 06-09-2005.

6) The Director of Mines and Geology who had constituted the check survey team had not taken any further action except lodging the check survey report. Despite the receipt of check survey report, he failed to submit the remarks on the points of appeal petition of M/s. Parameswari Minerals as desired by the Government, thereby abetted the lease Company, to continue with illegal mining operations. Had the check survey report along with remarks been sent to the Government or instruct the Asst. Director, M&G to top the illegal mining which has come to his notice, further illegal mining by M/s. Parameswari Minerals of about 4,00,000 Mt of Laterite would have been stopped.

7) The primary responsibility of protection of Reserve Forest rests with the Beat Staff, Forest Section officer, and the Forest Range officer. They are responsible for protection and Forests by way of periodical inspections and submission of reports. Thus, they are responsible for reporting illegal mining activities in the Reserve Forests. But in the present case, the Forest Department Officials had failed to discharge their legitimate duties.

8) During 2013-14 a joint survey was conducted by the Asst. Director of Mines & Geology, Rajahmundry, Revenue Officials of Prathipadu and the staff of Office of the Director, SLR, Kakinada on receipt of (3) fresh mining lease applications for Laterite from a) Sri P. Veerabhadra Rao, b) S.V. Narasimha Padal and c) Y. Rama Mohana Rao. The Survey was completed on 25-09-2014 and team had failed to report the illegal mining noticed in Sy. No. 01 of Chintaluru Village of Prathipadu Mandal.

9) In the sketch enclosed to application for mining lease by M/s. Parameswari Minerals on 25-03-1994, it was clearly indicated that the proposed mining lease area of 50 acres is just adjacent to Thotapalli Reserve Forest. They should have protected the Forest boundary by erecting cairns /

boundary stones as per the Gazette notification, in case no such demarcations were readily available on the ground. But they have failed to do so.

10) M/s. Parameswari Minerals had conducted mining operations from 1997 to 2005 and it is established that M/s. Parameswari Minerals had excavated Laterite in the area other than allotted. Number of surveys were conducted by constituting survey teams from 03-10-1997 to 06-10-1997, 28-10-1997 to 29-10-1997, 18-01-2003 to 02-02-2003, 26-07-2012 to 18-09-2012, 01-12-2013 to 20-12-2013, 09-07-2014 to 03-09-2014 and 18-11-2015 to 05-12-2015 in connection with allegations of illegal mining. But surprisingly till 2013 no participation of any Forest officials is noticed in any of the surveys.

11) Among the above surveys conducted from 03-10-1997 to 06-10-1997 by the Mandal Deputy Surveyor, Prathipadu and Sri N. Challalu, Surveyor, Mines & Geology Department revealed that, M/s. Parameswari Minerals demarcated the leasing area with peg marks and rock stones coloured in Red duly numbered from "A to R" and was conducting mining operations. The demarcated area happened to be in Compartment No. 632 of Thotapalli R.F. But, the Forest Department Officials has supposedly failed to notice such illegal mining operations by M/s. Parameswari Minerals in the Forest area and no action was initiated.

12) The Forest Department officials erected boundary Cairns in 2014 around compartment No. 632 in Thotapalli R.F in which two of the cairns happen to pass through the illegal mined area of M/s. Parameswari Minerals. But no action was initiated by the Forest Department officials despite noticing encroachment into the Reserve Forest.

13) The Forest Department officials at the request of the V & E Department, Rajamahendravaram unit had attended the joint survey conducted by the Revenue, Mines & Geology and Forest Department officials with effect from 18-11-2015 to 05-12-2015. They have observed that the excavated pits extended into Thotapalli R.F. area beyond the Cairns erected by the Forest Department. But the Forest Department officials refused to sing the map prepared incorporating the survey results which were complied with their participation and presence. They did not even accept their worn Forest cairns erected during 2014 as Forest boundary. But they have filed a case against Sri P. Ramakrishna, Managing partner of M/s. Parameswari Minerals in Prathipadu Police Station on the allegation of illegal mining in the Thotapalli R.F.

14) Having allowed illegal mining by M/s. Parameswari Minerals in the Reserve Forest area from 1997 to 2005, it is only after confirmation of illegal mining of M/s. Parameswari Minerals by the Vigilance & Enforcement Department officials through the joints survey conducted i.e. from 18-11-2015 to 05-12-2015, the Forest officials have filed a Criminal Case about the illegal mining in 5.71 hec. Area in Thotapalli R.F. on alleged violation of A.P. Forest Act, 1967 and Forest conservation Act, 1980.

As per the Rule 158 of AP Forest Department Code, Volume 1, the Assistant Beat Officer has to attend his duties as follows:-

- Forest Beat Officer should know the Boundaries of his Beat thoroughly and prevent encroachment, and protect his Beat against injury from fire or other causes.
- He should patrol the forests constantly in his Beat to prevent offences, and where the offences are detected he must record the offence in the Form – A and submit it promptly to Range Officer.

- He should maintain the boundary lines and boundary marks in forest blocks in proper order and repairs.

Even the charged officer had noticed excavated area and also transportation of mined mineral through reserve forest road from Chintualru village, he failed to attend his legitimate duties.

The charged officer who was vested with the responsibility of conservation of Forests under section 2 of Forest Conservation Act, 1980 and also as per para 157 of AP Forest Departmental code vol. (1). But, he failed to discharge his legitimate duties by allowing excavation in Thotapalli RF, i.e. beyond the leased area.

As per item (A) (iii) of Circular no. 13 / 1995 a Forest Beat Officer, shall inspect his beat thoroughly atleast once in a week, and not more than (10) Days. However, vulnerable areas thereof shall be inspected more frequently. Had the charged officer, perambulated the beat frequently he might have noticed the excavation and illegal encroachment. But he had failed to discharge his legitimate duties as per the Circular no. 13 / 1995. The primary responsibility for protection of Reserved Forests rests with the Forest Beat Staff. The charged officer is responsible for protection of forests by way of periodical inspections and submission of reports having in his beat jurisdiction. But, in the present case, the charged Forest Beat Officer, had failed to discharge his legitimate duty.

From the above, it is clear that the inaction, negligent attitude on the part of the charged officer in the illegal mining by M/s. Parameswari Minerals Represented by Managing Partner Sri P. Ramakrishna and huge loss to the Government exchequer. It is a fact that the mining activities took place from 1998 and were reported to have been stopped in the year 2005. During that period, the charged officer has held the charge of Forest Beat Officer, Kothuru Beat of Sankhavaram Section of Yeleswaram Range of Kakinada Division and solely held responsible for the illegal mining activities in Thotapalli R.F. during his tenure.

Thus, it is evident from the above that, the charged officer has shown gross negligent attitude in duties by slack supervision on Forest protection, lack of inspections and inaction to prevent illegal mining activities in Compartment No. 632 of Thotapalli Reserve Forests, Yeleswaram Range of Kakinada Division and intentionally allowed illegal mining by M/s. Parameswari Minerals to excavate Laterite in the R.F. and caused huge loss to the Government exchequer and suppressed the facts without reporting the matter to higher ups and caused damaged to the Forest wealth. and failed to attend the legitimate duties and responsibilities of Forest Beat Officer as envisaged as per para 158 of A.P.Forest Code Vol.I **Hence the charge.**

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. BALABBAI, FOREST BEAT OFFICER, MASANITIPPA BEAT OF KAKINADA RANGE FORMERLY WORKED AS ASST. BEAT OFFICER, KOTHURU BEAT OF YELESWARAM RANGE, KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED.

Director General (V&E) & E.O. Prl. Secretary to Govt. (FAC), G.A.D (V&E) Department, Government of A.P., Velagapudi, Amaravathi Vigilance report No. 06 (C.No.1563 / V&E / NR.1 / 2015, Dated 21.01.2018.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE - IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. BALABBAI, FOREST BEAT OFFICER, MASANITIPPA BEAT OF KAKINADA RANGE FORMERLY WORKED AS ASST. BEAT OFFICER, KOTHURU BEAT OF YELESWARAM RANGE, KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED.

The concerned Officials of the Vigilance and enforcement department of Rajamahendravaram unit who have inspected the illegal mining area in Comp no. 632 of Thotapalli R.F, Yeleswaram Range of Kakinada Division.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER